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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,116	03/15/2001	Dietmar Sauer	SAUER	4585

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350 FIFTH AVENUE
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NEW YORK, NY 10118

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

5

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,116

Applicant(s)

SAUER, DIETMAR

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This office action is responsive to the applicant's amendment filed on date 2/20/2004.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-4,6-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abuhamdeh (US 2003/0083042), previously cited, in view of Eichinger et al (6,370,374), newly cited.

Regarding to claims 1, 6 and 10, see figures 2 and 3, and section [0022] to section [0026], Abuhamdeh discloses a device (10) (see figure 2) wherein the device comprises:

first means (included in smart card (inserted into (22), or memory (40))
for storing a sum of money available (see sections [0006], [0023], [0030]),

second means (inherently included in (22 or 40)) for storing the
identification information of the provider (102) so that that identification
information must be provided to the device (10) for establishment of
communication with the provider (102) for allowing a communication of the
device (10) with a network (see sections [0023], [0030]); and

read/write means (22, 28, 30) for reading the sum of money stored in
said first means and storing a new sum of money in said first means, and
reading the identification information of the provider (102) stored in said
second means (see sections [0023], [0024]),

Abuhamdeh does not disclose wherein the first and second means are
each configured as a separate memory chip on a common card.

Eichinger et al discloses that memory means (ROM, RAM, EEPROM) can be
each configured as a separate memory chip on a common card to store and
retrieve different types of information (see Eichinger, fig. 1 & 2, col. 3, lines 10-
47 and col. 7, lines 3-17).

At the time of the invention, it would have been obvious for one skilled in the art to implement Abuhamdeh's invention as taught by Eichinger to store each configured as a separate on a common card so that whenever the CPU need to retrieve data for executing or to store data into a memory, it executes much quickly and efficiently, therefore, it would have been obvious to combine Abuhamdeh's and Eichinger's to obtain the invention as specified in the claims 1, 6 and 10.

Regarding to claims 2, 7 and 11, Abuhamdeh discloses third means (inherently included in (22 or 40)) for storing a banking connection information, so that the banking connection information must be read by the read/write means (22, 28, 30) of the device (10) for transferring this information to the provider (102) in order for the provider to establish the communication with bank (110) (see section [0023]),

As applied for claim 1 above, in Abuhamdeh in view of Eichinger et al, third means can be a separate memory chip on the card.

Regarding to claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial

account, authorization, etc., (which can be considered as electronic signature) so that this information must be read by the read/write means (22, 28, 30) of the device (10) for transferring this information to the provider (102) in order to allow and authorize the provider to charge money to the corresponding account at the bank (see sections [0023], [0024]),

As applied for claim 1 above, in Abuhamdeh in view of Eichinger et al, fourth means can be a separate memory chip on the card.

Regarding to claim 4, Abuhamdeh discloses that the device comprises a smart card having a memory (see sections [0007] and [0023]).

As applied for claim 1 above, in Abuhamdeh in view of Eichinger et al, the common card has plurality of memory chips (see Eichinger, Fig. 2).

Regarding to claim 9, Abuhamdeh discloses that the read/write means (22, 28, 30) is a accessory part of a mobile phone (55) (see figure 2).

Regarding to claim 13, as explained above for claims 1-12, see figure 2, Abuhamdeh discloses a device (10) wherein the device comprises:

communication means (55) for transmitting information to and receiving information from a wireless communication network;

first means (included in smart card (inserted into (22), or memory (40))
for storing a sum of money balance available; and

second means (inherently included in (22 or 40)) for storing a banking
connection information, so that the banking connection information must be
read by the read/write means (22, 28, 30) of the device (10) for transferring
this information to the provider (102) in order for the provider to establish the
communication with bank (110).

Abuhamdeh does not disclose wherein the first and second means are
each configured as a separate memory chip on a common card.

Eichinger et al discloses that memory means (ROM, RAM, EEPROM) can be
each configured as a separate memory chip on a common card to store and
retrieve different types of information (see Eichinger, fig. 1 & 2, col. 3, lines 10-
47 and col. 7, lines 3-17).

At the time of the invention, it would have been obvious for one skilled in
the art to implement Abuhamdeh's invention as taught by Eichinger to store
each configured as a separate on a common card so that whenever the CPU
need to retrieve data for executing or to store data into a memory, it executes

much quickly and efficiently, therefore, it would have been obvious to combine Abuhamdeh's and Eichinger's to obtain the invention as specified in the claims 13.

Regarding to claim 14, as explained above for claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial account, authorization, etc., (which can be considered as electronic signature).

As applied for claim 13 above, in Abuhamdeh in view of Eichinger et al, third means can be a separate memory chip on the card.

Regarding to claim 15, as explained above for claims 1, 6 and 10, Abuhamdeh discloses fourth means (inherently included in (22 or 40)) for storing the identification information of the provider (102).

As applied for claim 13 above, in Abuhamdeh in view of Eichinger et al, fourth means can be a separate memory chip on the card.

Regarding to claim 16, Abuhamdeh discloses that said first, second, third and fourth means are remote from the device (10) and implemented as a smart card having memory (see figure 2).

As applied for claim 13 above, in Abuhamdeh in view of Eichinger et al, fourth means can be a separate memory chip on the card.

Regarding to claim 17, as explained above for claims 1-12, see figure 2, Abuhamdeh discloses read/write device (22, 28, 30) for reading the sum of money stored in a memory (included in smart card (inserted into (22), or memory (40)), reading the identification information of the provider (102) stored in said memory, storing a new sum of money in said memory, and further allowing the device a wireless communication device (10) to transmit and receive information to/from a wireless communication network if the sum of money exceeds a predetermined amount determined by the provider (see sections [0023], [0024]).

Abuhamdeh does not disclose wherein the first and second storage means are each configured as a separate memory chip on a common card.

Eichinger et al discloses that memory means (ROM, RAM, EEPROM) can be each configured as a separate memory chip on a common card to store and retrieve different types of information (see Eichinger, fig. 1 & 2, col. 3, lines 10-47 and col. 7, lines 3-17).

At the time of the invention, it would have been obvious for one skilled in the art to implement Abuhamdeh's invention as taught by Eichinger to store each configured as a separate on a common card so that whenever the CPU need to retrieve data for executing or to store data into a memory, it executes much quickly and efficiently, therefore, it would have been obvious to combine Abuhamdeh's and Eichinger's to obtain the invention as specified in the claims 17.

Regarding to claim 18, as explained above for claims 2, 7 and 11, Abuhamdeh discloses third means (inherently included in (22 or 40)) for storing a banking connection information.

Regarding to claim 19, as explained above for claims 3, 8 and 12, Abuhamdeh discloses forth means (inherently included in (22 or 40)) for storing information about financial account, authorization, etc., (which can be considered as electronic signature).

Regarding to claim 20, Abuhamdeh discloses that said read/write device (22, 28, 30) is part of a wireless communication device (55) (see figure 2).

Regarding to claims 21–24, as explained above for claims 1–23, see figure 2, Abuhamdeh discloses a wireless communication system (10) and associated method (10, 102, 110), as claimed.

Abuhamdeh does not disclose wherein the first and second storage means are each configured as a separate memory chip on a common card.

Eichinger et al discloses that memory storage means (ROM, RAM, EEPROM) can be each configured as a separate memory chip on a common card and capable of interfacing with a wireless communication network of s service provider (see Eichinger, fig. 1 & 2, col. 3, lines 10–47 and col. 7, lines 3–17).

At the time of the invention, it would have been obvious for one skilled in the art to implement Abuhamdeh's invention as taught by Eichinger to store each configured as a separate on a common card so that whenever the CPU need to retrieve data for executing or to store data into a memory, it executes much quickly and efficiently, therefore, it would have been obvious to combine Abuhamdeh's and Eichinger's to obtain the invention as specified in the claims 21–24.

Response to Arguments

3. Applicant's arguments with respect to claim 1-24 have been considered but are moot in view of the new ground(s) of rejection as set forth above in this Office Action.

4. Applicant's argument with respect to objection on oath/declaration is considered. The objection is now withdrawn.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh Phu whose telephone number is 703-305-8635. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Sanh Phu
Examiner
Art Unit 2682

Application/Control Number: 09/809,116
Art Unit: 2682

Page 13